

### **REMARKS**

With the entry of the amendments presented above, claims 4, 6, 7, 9, 10, 12, 13, and 78-82 are now pending and under examination in this application. Claims 15, 48-49, and 54 are pending and withdrawn from consideration. Claim 5 is canceled in this amendment, and claims 1-3, 8, 11, 14, 16-47, 50-53 and 55-77 have been canceled in previous amendments.

Claim 4 is amended to recite specific regions of the 121P1F1 molecule against which the antibodies are raised. The specific regions of the molecule are disclosed in Figure 5A (amino acid regions 1-67, 78-169, 178-205); Figure 6A (amino acid regions 1-22, 117-142); Figure 7A (amino acid regions 21-57, 77-113, 120-149); and Figure 8A (amino acid region 178-205). Support for selecting those regions is found at page 14, line 32 through page 15, line 16; support for the peptide form of those regions is found at page 15, line 29. Claim 4 also recites that the antibodies are monoclonal, incorporating the limitation of claim 5; claim 5 is now canceled. Claim 12 is amended to depend from claim 4. No new matter has been added by these amendments.

With respect to any claim amendments or cancellations, Applicants have not dedicated to the public or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants expressly reserve the right to pursue prosecution of any presently excluded subject matter or claim embodiments in one or more future continuation and/or divisional application(s).

### **Examiner Interview**

In accordance with 37 CFR § 1.133 and MPEP § 713.04, the telephonic interview of June 7, 2005 is hereby made of record. The participants in the interview included Examiner David J. Blanchard, Examiner Larry R. Helms, attorney Shane Popp of the assignee Agensys, and the undersigned agent (Robert Cerpa). No exhibits were shown nor any demonstrations conducted. All pending claims were discussed. The cited publications discussed were Tang et al., WO 01/53312 and Edwards et al., U.S. 6,639,063. The representatives for the Applicants reiterated the arguments regarding Tang and Edwards that were made in the response filed February 22, 2005, while the

Examiners maintained their position as described in the Office Action mailed April 28, 2005. The Applicants' representatives and the Examiners discussed the possibility of amending the claims to recite antibodies raised against specific epitopes of the protein of SEQ ID NO: 3. The Applicants' representatives and the Examiners also discussed polyclonal and monoclonal antibodies in view of Tang and Edwards. Agreement was not reached as to whether such amendments would result in allowable claims.

The Applicants, attorney Shane Popp, and the undersigned agent Robert Cerpa thank Examiner Blanchard and Examiner Helms for their time, courtesy, and consideration during the interview, and for their helpful suggestions in advancing prosecution.

#### Specification

The specification was objected to because of the presence of hyperlinks beginning with "www," which would be active hyperlinks. The specification has been amended to replace the occurrence of "www" with "world-wide-web." The Applicants thank the Examiner for his suggestion with regard to this matter. Withdrawal of this objection is respectfully requested.

#### Rejections under 35 U.S.C. § 102(e)

Claims 4-7, 9-10, 12-13 and 78-82 were rejected under 35 U.S.C. § 102(e) as being anticipated by Tang et al. (WO 01/53312).

This rejection is respectfully traversed. The claims have been amended to advance prosecution, and recite specific regions of the 121P1F12 molecule which are particularly suitable for antibody production, which clearly distinguishes the claims over the cited Tang application. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 4-7, 9-10, 12-13 and 78-79 were rejected under 35 U.S.C. § 102(e) as being anticipated by Edwards et al. (U.S. 6,639,063).

This rejection is respectfully traversed. The claims have been amended to advance prosecution, and recite specific regions of the 121P1F12 molecule which are particularly suitable for antibody production. As with the Tang application, this amendment clearly distinguishes the

claims over the cited Edwards patent. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. § 103(a)

Claims 4-7, 9-10, 12-13 and 78-82 were rejected under 35 U.S.C. § 103(a) as unpatentable over Edwards et al. (U.S. 6,639,063) in view of Thorpe et al. (U.S. 6,342,219).

This rejection is respectfully traversed. Again, the claims have been amended to advance prosecution, and recite specific regions of the 121P1F12 molecule which are particularly suitable for antibody production. This amendment clearly distinguishes the claims over the cited Edwards patent, and the Thorpe patent does not supply any guidance to select these particular regions of the protein. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

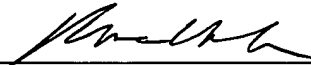
**CONCLUSION**

Applicants submit that all outstanding objections and rejections (objection to the specification, rejections under 35 U.S.C. § 102(e), rejection under 35 U.S.C. § 103(a)) have been addressed. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event that the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 511582003420. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: July 6, 2005

Respectfully submitted,

By 

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